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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,348

04/15/2004

Ramin Abhari

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8647

23455 7590 03/20/2009  
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EXAMINER

CAIN, EDWARD J

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

03/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,348	<b>Applicant(s)</b> ABHARI ET AL.	
	<b>Examiner</b> Edward J. Cain	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,42,43,50,51 and 53-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 42,43,50,51 and 53-57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/10/04, 10/31/07, 11/14/07, 12/7/07, and 12/12/07</u> .      | 6) <input type="checkbox"/> Other: _____                          |



The amendment submitted with the Request for Continued Examination has been made of record. Claims 1, 42, 43, 50, 51 and 53-57 are pending.

Upon further consideration the indicated allowability of claim 24 is withdrawn. The examiner was under the mistaken impression that the language of claim 24, now incorporated into claim 1, required the presence of a diene. Upon further consideration, the language "up to 10 weight %" encompasses 0 weight %.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Markel et al in view of Velasquez Urey and Ogawa et al.

Markel et al disclose propylene based polymer compositions suitable for hot melt adhesive applications. These compositions are taught as having branching indices and Mw's such as claimed instantly. While many of the physicochemical properties instantly claimed may not be explicitly addressed, values such as claimed instantly are seen as inherent to the compositions of the reference since other properties such as g', MW and propylene/alpha olefin-content are met.

This reference fails to explicitly disclose functionalized additives, tackifiers, wax and plasticizers. The reference further fails to disclose specific articles of manufacture incorporating the adhesives.

The reference to Velasquez Urey discloses polyolefin based hot melt adhesive compositions. These compositions are taught as comprising nucleating agents, plasticizers, wax and tackifiers. Suitable species of each of these

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components include those meeting the limitations of the rejected claims. The adhesives are taught as suitably used in applications such as disposable diapers wherein woven or non-woven materials are adhered to polymeric films. This application is seen as meeting the limitation of a tie layer.

The reference to Ogawa et al is cited as demonstrating the art known use of polypropylene based hot melt adhesives in tape and packaging.

It would have been obvious to one of ordinary skill in the art to combine art known adhesive additives for their art known function/benefit as taught by the Velasquez Urey reference with the polymers of the primary reference when adhesives were desired.

Claims 42, 43, 50, 51 and 53-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Cain whose telephone number is (571) 272-1118. The examiner can normally be reached on M-F, 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edward J. Cain  
Primary Examiner  
Art Unit 1796

/Edward J. Cain/  
Primary Examiner, Art Unit 1796